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10/727,134	12/02/2003	Arthur H. Ozaki	40000-0046 (50T5641.01)	4744
20480 7590 02/19/2009 STEVEN L. NICHOLS RADER, FISHMAN & GRAUER PLLC 10653 S. RIVER FRONT PARKWAY SUITE 150 SOUTH JORDAN, UT 84095				
EXAMINER				
ZHONG, JUN FFI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,134

Applicant(s)

OZAKI ET AL.

Examiner

JUN FEI ZHONG

Art Unit

2426

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-26, 29-33, 36-49, 52-60 and 65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-26, 29-33, 36-49, 52-60, 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 11/19/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Vivek Srivastava/.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 8-10, 12-15, 17-21, 24, 29, 31, 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (Pub # US 2002/0059621) in view of Gatto et al. (Pub # US 2002/0174444).

As to claim 1, Thomas discloses a system for saving settings of an audiovisual system, comprising:

a first audiovisual device comprising a setting (e.g., setting of user equipment 260; Fig. 2) (see paragraph 0087); and

a second audiovisual device (e.g., user equipment 265 or server 210; Fig. 2) communicatively coupled to said first audiovisual device (e.g., via network 270) (see paragraph 0058, 0112-0121);

wherein said second audiovisual device is configured to retrieve said setting from said first audiovisual device and save said setting of said first audiovisual device upon a save event (e.g., user selecting resume feature, retrieving settings from previously selected; auto configure equipment setting in second location with previously selected setting (storing settings in second equipment); or stores at server 210; Fig. 7A-7C, 10-11) (see paragraph 0087-0093, 0112-0121);

wherein said save event includes a shutdown of at least one of said first audiovisual device and said second audiovisual device (e.g., using remote control power button 315 to turn on/off user equipment; Fig. 3) (see paragraph 0062-0065); and

Thomas does not specifically disclose automatically save setting upon shutdown.

Gatto discloses wherein said second audiovisual device automatically saves said setting upon said shutdown (see paragraph 0088).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automatically save device's setting as taught by Gatto to the system of Thomas in order to have a system that would not lost user's setting after power-off the system, and user does not need to reconfigure the system when turns on.

As to claim 18, Thomas discloses an audiovisual host device (e.g., user equipment 265 or server 210; Fig. 2) (see paragraph 0087-0093, 0112-0121), comprising:

an interface (Fig. 7B) for communicatively coupling to an audiovisual device (e.g., user equipment 260; Fig. 2), wherein said audiovisual device includes a setting (e.g., setting of user equipment 260; Fig. 2) (see paragraph 0087);

a computer-readable medium (i.e., user equipment could be a personal computer which inherently has memory, DVD/CD, or hard drive) (see paragraph 0006, 0040, 0056, 0059, 0065); and

a processor communicatively coupled to said interface and said computer-readable medium (i.e., a personal computer which inherently has a CPU) (see paragraph 0006, 0040);

wherein said processor is configured to:

receive said setting from said interface upon a save event (e.g., user selecting relocate feature or pause a movie; Fig. 3, 7A) (see paragraph 0087-0093, 0112-0121);

store said setting to said computer-readable medium upon said save event (e.g., save setting of the user equipment) (see paragraph 0096);

recall said setting from said computer-readable medium upon a restore event (e.g., user resume the movie, auto configure) (see paragraph 0087, 0089, 0096, 0113);

and

communicate said recalled setting to said interface upon said restore event (Fig. 6A, 7B) (see paragraph 0081-0082, 0089-0092),

wherein said recalled setting is configured to be restored to said audiovisual device wherein said save event includes a shutdown of at least one of said host device and said audiovisual device (e.g., using remote control power button 315 to turn on/off user equipment; Fig. 3) (see paragraph 0062-0065); and

Gatto discloses wherein said processor automatically saves said setting upon said shutdown (see paragraph 0088).

As to claim 60, it contains the limitations of claim 1 and is analyzed as previously discussed with respect to claim 1 above.

As to claim 2, Thomas discloses the system of claim 1, further comprising a remote control device (Fig. 2 and 3) configured to communicate said save event to said second audiovisual device (see paragraph 0054, 0062-0068).

As to claim 3, Thomas discloses the system of claim 2, wherein said save event includes an actuation of a control on said remote control device (see paragraph 0054, 0062-0068, 0089).

As to claim 8, Thomas discloses the system of claim 1, wherein said second audiovisual device is configured to restore said setting of said first audiovisual device upon a restore event (e.g., user resume the movie, auto configure) (see paragraph 0087, 0089, 0096, 0113).

As to claim 9, Thomas discloses the system of claim 8, further comprising a remote control device configured to communicate said restore event to said second audiovisual device (see paragraph 0054, 0062-0068; Fig. 2 and 3).

As to claim 10, Thomas discloses the system of claim 9, wherein said restore event includes an actuation of a control on same said remote control device (see paragraph 0054, 0062-0068, 0089).

As to claim 12, Thomas discloses the system of claim 8, wherein said restore event includes a power-up of at least one of said first audiovisual device and said second audiovisual device (e.g., using remote control power button 315 to turn on/off user equipment; Fig. 3) (see paragraph 0062-0065).

As to claim 13, Thomas discloses the system of claim 1, wherein said second audiovisual device is a television set (see paragraph 0040).

As to claim 14, Thomas discloses the system of claim 1, wherein said second audiovisual device is a set-top box (see paragraph 0006; Fig. 2).

As to claim 15, Thomas discloses the system of claim 1, wherein said first audiovisual device is one of a digital video recorder and a digital video player (see paragraph 0057).

As to claim 17, Gatto discloses the system of claim 1, wherein said setting includes a selected input channel associated with said first audiovisual device (e.g., video input) (see paragraph 0041, 0044).

As to claims 19-21, they contain the limitations of claims 13-14, 3 and are analyzed as previously discussed with respect to claims 13-14, 3 above.

As to claims 24, 29, they contain the limitations of claims 10, 12 and are analyzed as previously discussed with respect to claims 10, 12 above.

As to claim 31, Gatto discloses the audiovisual host device of claim 18, further comprising a programming interface configured to receive an audiovisual programming signal from a source (e.g., video input) (see 0041, 0044).

4. Claims 32-33, 36-46, 48-49, 52-59, 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (Pub # US 2002/0059621) in view of Kamieniecki (Pub # US 2003/0066080).

As to claim 32, Thomas discloses a method for retaining settings of an audiovisual system, comprising:

obtaining a setting from a first audiovisual device (e.g., setting of user equipment 260; Fig. 2; user selecting resume feature, retrieving settings from previously selected), wherein said first audiovisual device is communicatively coupled to a second audiovisual device (e.g., user equipment 265 or server 210; Fig. 2) (see paragraph 0087-0093, 0112-0121); and

storing said setting to said second audiovisual device upon a save event (e.g., auto configure equipment setting in second location with previously selected setting (storing settings in second equipment); or save setting in server 210; Fig. 7A-7C, 10-11) (see paragraph 0087-0093, 0112-0121);

Thomas does not specifically disclose save event comprises actuating a control button for a predetermined amount of time.

Kamieniecki discloses wherein said save event comprises actuating a control button for a predetermined amount of time (e.g., press a key on remote for predetermined time period to send commands) (see paragraph 003 and 0063-0065)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have actuating a control button for a predetermined amount of time as taught by Kamieniecki to the system of Thomas in order to prevent accidentally actuate a button and cause unwanted result.

As to claim 48, it contains the limitations of claim 32 and is analyzed as previously discussed with respect to claim 32 above.

As to claim 33, Thomas discloses the method of claim 32, wherein said save event includes an actuation of said control button on a remote control device (see paragraph 0054, 0062-0068, 0089).

As to claim 36, Thomas discloses the method of claim 32, further comprising receiving a signal representative of said save event from a remote control device, wherein said remote control device is configured to communicate said save event to said second audiovisual device (e.g., save setting in server 210; Fig. 7A-7C, 10-11) (see paragraph 0087-0093, 0112-0121).

As to claim 37, Thomas discloses the method of claim 32, wherein said save event includes a shutdown of at least one of said first audiovisual device and said second audiovisual device (e.g., using remote control power button 315 to turn on/off user equipment; Fig. 3) (see paragraph 0062-0065).

As to claim 38, Kamieniecki discloses the method of claim 37, wherein said second audiovisual device automatically saves said setting upon said shutdown (e.g., save settings in memory 245 when shutdown; i.e., settings stores in memory 245 including setting for itself and other devices are kept intact irrespective regardless of power) (see paragraph 0027, 0036, 0041, 0051).

As to claim 39, Thomas discloses the method of claim 32, further comprising:
recalling said setting from said second audiovisual device upon a restore event (e.g., user resume the movie) (see paragraph 0087, 0089, 0096, 0113);
restoring said recalled setting to said first audiovisual device upon said restore event (e.g., auto configure device) (see paragraph 0087, 0089, 0096, 0113).

As to claim 40, Thomas discloses the method of claim 39, wherein said restore event includes an actuation of a control on said remote control device (see paragraph 0054, 0062-0068, 0089).

As to claim 41, Kamieniecki discloses the method of claim 40, wherein a saved channel of audiovisual programming is restored upon said actuation (see paragraph 0002).

As to claim 42, Thomas discloses the method of claim 39, further comprising receiving a signal representative of said restore event from a remote control device, wherein said remote control device is configured to communicate said restore event to said second audiovisual device (e.g., save setting in server 210; Fig. 7A-7C, 10-11) (see paragraph 0087-0093, 0112-0121).

As to claim 43, Thomas discloses the method of claim 39, wherein said restore event includes a power-up of at least one of said first audiovisual device and said second audiovisual device (e.g., using remote control power button 315 to turn on/off user equipment; Fig. 3) (see paragraph 0062-0065).

As to claim 44, Thomas discloses the method of claim 32, wherein said second audiovisual device is a television set (see paragraph 0040).

As to claim 45, Thomas discloses the method of claim 32, wherein said second audiovisual device is a set-top box (see paragraph 0006; Fig. 2).

As to claim 46, Thomas discloses the method of claim 32, wherein said first audiovisual device is one of a digital video recorder and a digital video player (see paragraph 0057).

As to claims 49, 52-59, they contain the limitations of claims 33, 36-43 and are analyzed as previously discussed with respect to claims 33, 36-43 above.

As to claim 65, Thomas discloses the method of claim 32, further comprising restoring said setting to said first audiovisual device upon a subsequent actuation of said same control button (see paragraph 0089).

5. Claims 4-5, 11, 22-23, 25-26, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (Pub # US 2002/0059621) in view of Gatto et al. (Pub # US 2002/0174444), further in view of Kamieniecki (Pub # US 2003/0066080).

As to claim 4, note the discussion above, Thomas and Gatto fail to disclose actuating a button for a predetermined amount of time,

Kamieniecki discloses wherein said actuation includes actuating a button for a predetermined amount of time (e.g., press a key on remote for predetermined time period to send commands) (see paragraph 003 and 0063-0065)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have actuating a control button for a predetermined

amount of time as taught by Kamieniecki to the system of Thomas as modified by Gatto in order to prevent accidentally actuate a button and cause unwanted result.

As to claim 5, Kamieniecki discloses the system of claim 4, wherein a selected channel of audiovisual programming is saved upon said actuation (see paragraph 0002).

As to claim 11, Kamieniecki discloses the system of claim 10, wherein a saved channel of audiovisual programming is restored upon said actuation (see paragraph 0002).

As to claims 22-23, they contain the limitations of claims 4-5 and are analyzed as previously discussed with respect to claims 4-5 above.

As to claim 25, Kamieniecki discloses the audiovisual host device of claims 24, wherein a saved channel of audiovisual programming is restored upon said actuation (see paragraph 0002).

As to claim 26, Kamieniecki discloses the audiovisual host device of claim 18, further comprising a remote control (RC) interface (e.g., IR receiver 262; Fig. 2) communicatively coupled to said processor (e.g., bus 247), wherein said RC interface is

configured to receive a signal representative of said save event or said restore event from a remote control device (see paragraph 0041, 0059).

As to claim 30, Kamieniecki discloses the audiovisual host device of claim 18, further comprising a control (e.g., IR receiver 262; Fig. 2) communicatively coupled to said processor, wherein at least one of said save event and said restore event includes an actuation of said control (see paragraph 0041, 0059).

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (Pub # US 2002/0059621) in view of Kamieniecki (Pub # US 2003/0066080), further in view of Humpleman et al. (Patent # US 6288716).

As to claim 47, note the discussion above, Thomas and Kamieniecki fail to disclose a IEEE 1394 pathway

Humpleman discloses wherein said first audiovisual device is communicatively coupled to said second audiovisual device by an IEEE 1394 pathway (e.g., 1394 serial bus 114) (see col. 6, lines 42-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have IEEE 1394 connecting as taught by Humpleman to the system of Thomas as modified by Kamieniecki in order to provide a system with stander connection that a variety of electronic devices from different manufacturers can communication with each other.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (Pub # US 2002/0059621) in view of Gatto et al. (Pub # US 2002/0174444), further in view of Humpleman et al. (Patent # US 6288716).

As to claim 16, note the discussion above, Thomas and Gatto fail to disclose a IEEE 1394 pathway

Humpleman discloses wherein said first audiovisual device is communicatively coupled to said second audiovisual device by an IEEE 1394 pathway (e.g., 1394 serial bus 114) (see col. 6, lines 42-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have IEEE 1394 connecting as taught by Humpleman to the system of Thomas as modified by Gatto in order to provide a system with stander connection that a variety of electronic devices from different manufacturers can communication with each other.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krzyzanowski et al. (Patent # US 6792323) is cited to teach controlling devices in home network.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ
2/12/2009

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2426